

DEXCOM.011A



JFW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Brauker, et al.
App. No. : 10/646,333
Filed : August 22, 2003
For : OPTIMIZED SENSOR
GEOMETRY FOR AN
IMPLANTABLE GLUCOSE
SENSOR
Examiner : Eric Frank Winakur
Art Unit : 3735

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 27, 2006
(Date)

Rose M. Thiessen, Reg. No. 40,202

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Request to Correct Inventorship for the above-identified application. Enclosed are:

- (X) A return prepaid postcard.
- (X) A check in the amount of \$130 to cover the fee required by C.F.R. § 1.17(i).
- (X) A Request to Correct Inventorship Under C.F.R. § 1.48(a) in 2 pages.
- (X) A Statement from Mark A. Tapsak in 1 page.
- (X) A Declaration by the actual inventors in 6 pages.
- (X) Consent of Assignee Under 37 U.S.C. § 1.48(a)(5) to add inventor in 2 pages.
- (X) Assignment of rights from Mark A. Tapsak to DexCom, Inc. in 1 page.

(X) Please charge any additional fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 11-1410.

Dated:

7/27/06

By:



Rose M. Thiessen
Registration No. 40,202
Attorney of Record
Customer No. 20,995
(619) 235-8550

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Group Art Unit 3735

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

July 27, 2006

(Date)

Rose M. Thiessen, Reg. No. 40,202

REQUEST TO CORRECT INVENTORSHIP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is a request to correct the original naming of inventors under 37 C.F.R. § 1.48 as set forth in the original declaration filed on August 22, 2003 in the above-named application.

Please add the following person as an inventor of this application.

Mark A. Tapsak
247 Asbury Road
Orangeville, PA 17859

Attached is the Statement of Mark A. Tapsak under 37 C.F.R. § 1.48(a)(2) that the error in inventorship occurred without deceptive intention on his part, a new declaration by the actual inventors pursuant to 37 C.F.R. § 1.48(a)(3), and the written consent of the assignee pursuant to 37 C.F.R. § 1.48(a)(5).

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Filed : August 22, 2003

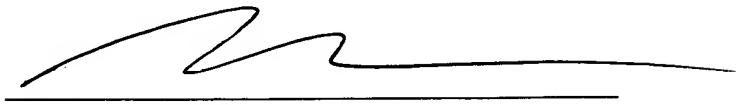
The required fee payment (37 C.F.R. § 1.1.17(i)) is enclosed. Please charge any additional fees to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 7/27/06

By:



Rose M. Thiessen
Registration No. 40,202
Attorney of Record
Customer Number 20,995
(619) 235-8550



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ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION AND
CONSENT OF ASSIGNEE UNDER 37 CFR § 1.48

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). True copies of the original Assignments of the above-captioned application from the inventors to the Assignee are attached hereto. These Assignments represent the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected

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Filed : August 22, 2003

herewith. This appointment is to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The undersigned hereby consents to the change in inventorship adding Mark A. Tapsak to the above-referenced patent.

Please use **Customer No. 20,995** for all communications.

DexCom, Inc.

Dated: 6/16/06

By: 

Title: *VP, Leg. / M.A.T.*

Address: 5555 Oberlin Drive
San Diego, CA 92121

Application No.: 10/646,333
 Filing Date: August 22, 2003

ASSIGNMENT

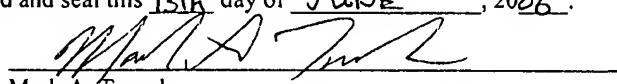
WHEREAS, I, Mark A. Tapsak, a United States citizen, residing at 247 Asbury Road, Orangeville, PA 17859, with co-inventors James H. Brauker, a United States citizen, residing at 10831 Riesling Drive, San Diego, CA 92131, Victoria Carr-Brendel, a United States citizen, residing at 12480 Via Cabezon, San Diego, CA 92129, Paul V. Neale, a United States citizen, residing at 9179 Truman Street, San Diego, CA 92129, and Laura A. Martinson, a United States citizen, residing at 4047 Alabama Street, San Diego, CA 92103, have invented certain new and useful improvements in a OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR for which we have filed an application for Letters Patent in the United States, Application No. 10/646,333, filed on August 22, 2003;

AND WHEREAS, DexCom, Inc. (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 6725 Mesa Ridge Road, Suite 100, San Diego, CA 92121, desires to acquire my entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, Mark A. Tapsak, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, my entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or country foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 13th day of JUNE, 2006.



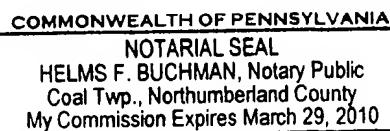
Mark A. Tapsak

STATE OF }
 } ss.
 COUNTY OF }

On JUNE 13, 2006, before me, HELM F. BUCHMAN, personally appeared Mark A. Tapsak personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]




Notary Signature



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STATEMENT OF MARK A. TAPSAK

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Mark A. Tapsak, declare as follows:

1. I am a citizen of the United States of America, residing at 247 Asbury Road, Orangeville, PA 17859.

2. I was not listed as the inventor of the subject matter claimed in the above-referenced application.

3. I believe that I should be named as an inventor, and that my exclusion as a named inventor when the application was filed was due to an inadvertent error and without deceptive intention.

4. I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the above-referenced patent.

Dated: June 13, 2006

Signed: Mark A. Tapsak
Mark A. Tapsak



DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR; the specification of which was filed on **August 22, 2003** as Application Serial No. **10/646,333**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

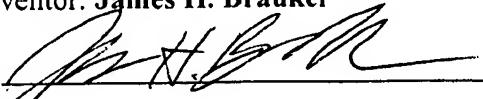
I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/460,825

Filing Date: April 4, 2003

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **James H. Brauker**

Inventor's signature 

Date 6-11-06

Residence: **10831 Riesling Drive, San Diego, CA 92131**

Citizenship: **United States of America**

Post Office Address: **10831 Riesling Drive, San Diego, CA 92131**

Full name of second inventor: **Victoria Carr-Brendel**

Inventor's signature


7/19/06

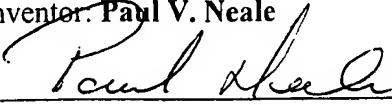
Date

Residence: **3735 Grillo Court, Pleasanton, CA 94566**

Citizenship: **United States of America**

Post Office Address: **3735 Grillo Court, Pleasanton, CA 94566**

Full name of third inventor: **Paul V. Neale**

Inventor's signature 

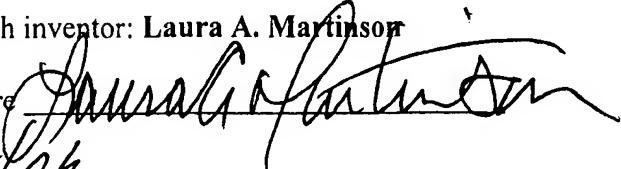
Date 06/13/06

Residence: **9179 Truman Street, San Diego, CA 92129**

Citizenship: **United States of America**

Post Office Address: **9179 Truman Street, San Diego, CA 92129**

Full name of fourth inventor: **Laura A. Martinson**

Inventor's signature 

Date 6/15/06

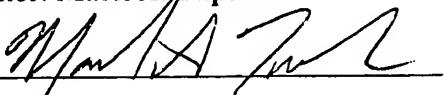
Residence: **4047 Alabama Street, San Diego, CA 92103**

Citizenship: **United States of America**

Post Office Address: **4047 Alabama Street, San Diego, CA 92103**

Full name of fifth inventor: **Mark A. Tapsak**

Inventor's signature



Date June 13, 2006

Residence: **247 Asbury Road, Orangeville, PA 17859**

Citizenship: **United States of America**

Post Office Address: **247 Asbury Road, Orangeville, PA 17859**

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

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